

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROMAN SUNDAY,

No. C 07-05308 SBA (PR)

Petitioner,

**ORDER GRANTING SECOND
EXTENSION OF TIME FOR
PETITIONER TO FILE OPPOSITION TO
MOTION TO DISMISS**

D. K. SISTO, Warden,

Respondent.

Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus. The Court directed Respondent to file an answer to the petition and granted Petitioner leave to file a traverse within thirty days after the answer was filed. In lieu of filing an answer, Respondent has filed a motion to dismiss. Petitioner has not filed an opposition to the motion to dismiss. On October 16, 2008, the Court granted Petitioner an extension of time to file an opposition.

Before the Court is Petitioner's second request for an extension of time to file an opposition to Respondent's motion to dismiss.

Accordingly, the Court GRANTS Petitioner a second extension of time in which to file his opposition to Respondent's motion to dismiss. The time in which Petitioner may file his opposition to Respondent's motion to dismiss will be extended up to and including **sixty (60) days** from the date of this Order. Respondent shall file a reply brief no later than **fifteen (15) days** after the date Petitioner's opposition is filed.

IT IS SO ORDERED.

DATED: 11/3/08

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ROMAN SUNDAY,

5 Plaintiff,

6 v.

7 D.K. SISTO et al,

8 Defendant.
9 _____ /

Case Number: CV07-05308 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roman Sunday
California State Prison - Solano
V-11338
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: November 4, 2008

Richard W. Wiking, Clerk
By: LISA R CLARK, Deputy Clerk